

REMARKS

On March 8, 2007, Applicants filed a Response to the Office Action mailed January 8, 2007. This Office Action included a Restriction Requirement. The Applicants made an election between the groups of claims set forth in the Restriction Requirement. In the Office Action mailed on April 24, 2007, the Examiner states that Applicants need to include an election of individual species within the elected groups as required under 37 CFR 1.143. Applicants respectfully request reconsideration of the above-referenced application in view of the following.

Interview Summary

Applicants express appreciation to Examiner Capps for conducting a telephone interview with Applicants representative on March 29, 2007. Applicants' representative called and informed the Examiner that Applicants had received the Restriction Requirement mailed on January 8, 2007 and filed a timely response on March 6, 2007. Thus, the Letter Restarting the Period for Response which was mailed on March 6, 2007, restarting Applicant's period for response to the Restriction Requirement was unnecessary. The Examiner therefore agreed to vacate the March 6, 2007 Letter and restarting the period for response which was vacated upon the mailing of the Interview Summary on April 3, 2007.

Election of Species

The Examiner has indicated that the claims are directed to patentably distinct species and has requested an election of species. Applicants provide herewith an election of the following species with traverse.

1. Non-glucocorticoid steroids—dehydroepiandrosterone-sulfate (DHEA-S)
2. PDE-4 inhibitors—cilomilast
3. Ubiquinones—formula (II) claim 6, n=10

Claims readable on the elected species include 1, 2, and 4 -14. Pursuant to 37 C.F.R. §1.141, Applicants reserve the right to pursue claims to the non-elected species in this application in the event that a generic claim is found to be allowable.

It is Applicants position that the individual compounds within each category are part of the generic invention and should be kept together in one patent application and one patent. Furthermore, it is not seen that the non-elected species would require a burdensome search.

CONCLUSION

Applicants submit that this paper fully addresses the Office Action mailed April 24, 2007. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned attorney at (650) 565-3585. The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 30775-715.201).

Respectfully submitted,

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